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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,516	10/12/2001	Vijaykumar M. Patel	PF02025NA/10-29	2608

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EXAMINER	
PARTHASARATHY, PRAMILA	
ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,516	PATEL ET AL.	
	Examiner	Art Unit	
	Pramila Parthasarathy	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9 and 10* is/are allowed.

6)☒ Claim(s) *1-8,11-18,21 and 22* is/are rejected.

7)☐ Claim(s) *19,20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the remarks/arguments filed on March 06, 2006. No Claims were cancelled. New Claims 21 and 22 were added. Therefore, presently pending claims are 1 – 22.

Response to Arguments

2. Applicant's arguments filed on March 06, 2006, have been fully considered but they are not persuasive for the following reasons:

Applicant argued that the cited prior art Ando et al. U.S. Patent number 6,895,432 does not show "performing such communicating responsive to determining that the data packet is potentially harmful as specifically claimed".

Applicant agrees that Ando et al shows communicating from one router to another pursuant to interrupting transmission of a future data packet and also that Ando performs such communicating responsive to a destination device providing information concerning unauthorized access (see remarks/arguments page 9 line 18 – page 10 line 5).

Ando teaches that it is well known in the art that IP network system having unauthorized intrusion safeguard wherein the unauthorized access monitoring unit detecting & notifying the router/firewall to create a filtering table for cutting off a connection to host system at which the unauthorized access is targeted. Ando further teaches that this filter table, the unauthorized packet is filtered and discarded at stage anterior to the host computer system (Background of the Invention Column 1 line 15 – Column 2 line 32).

Regarding Claims 1 and 11, Ando teaches the unauthorized intrusion monitoring unit of the computer system is constructed so as not to forward and receive a packet containing virus data by setting virus characteristic data for preventing the unauthorized intrusion. The method is described with several detailed illustrative (different) embodiments (Fig.12, 14, 15 – 22 and Column 5 line 36 – Column 11 line 15), including the steps of "monitoring a data packet and determining in the router whether the data packet may be harmful to a destination device and if so and responsive to the determining, transmission of the packet is interrupted and a second router is communicated with to cause the second router to interrupt transmission of a next or future data packet, if no problems are detected the data packet is transmitted (Column 5 line 34 – Column 7 line 57), wherein Ando discloses monitoring a data packet with an unauthorized intrusion monitoring unit that and if the illegal party makes a re-intrusion, the unauthorized access packet enters the IP packet routing unit which refers to the unauthorized access information table, in turn, discards the unauthorized access packet and shuts off the unauthorized access (specifically, Column 6 lines 1 – 23).

Applicant clearly has failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner respectfully asserts that Ando does teach or suggest the subject matter broadly recited in independent claims 1 and 11. Dependent claims 2 – 8 and 12 – 22 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this and previous office action. Accordingly, the rejection for the pending Claims 1 – 8 and 12 – 22 is respectfully maintained.

Allowable Subject Matter

Claims 9 and 10 are allowed.

Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 – 8, 11 – 18 and 21 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al. (U.S. Patent Number 6,895,432).

Regarding Claim 1, Ando teaches

monitoring a data packet sent from an originator via the router and addressed to a destination device other than the router (Column 5 lines 14 – 67);

determining in the router whether the data packet is potentially harmful to the destination device (Column 5 lines 14 – 67);

interrupting transmission of the data packet in response to determining that the data packet is potentially harmful to the destination device, the interrupting further comprising the step of communicating with a second router to cause the second router to interrupt transmission of a future data packet (Column 6 lines 1 – 49); and

transmitting the data packet in response to determining that the data packet is not potentially harmful to the destination device (Background prior art).

Regarding Claim 11, Ando teaches

a plurality of I/O ports for accepting a data packet sent from an originator via the router and addressed to a destination device other than the router, and for transmitting the data packet to the destination device (Column 5 lines 14 – 67); and

a processor coupled to the plurality of I/O ports for processing the data packet; wherein the processor is programmed to: monitor the data packet (Column 5 lines 14 – 67);

determine whether the data packet is potentially harmful to the destination device (Column 5 lines 14 – 67);

interrupt transmission of the data packet in response to determining that the data packet is potentially harmful to the destination device, including communicating with a second router to cause the second router to interrupt transmission of a future data packet (Column 6 lines 1 – 49); and

transmit the data packet in response to determining that the data packet is not potentially harmful to the destination device (Background prior art).

Claims 2 and 12 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches the processor is further programmed to discard a later data packet from the originator (Column 6 lines 20 – 23).

Claims 3 and 13 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando the processor is further programmed to send a command to an upstream router to intercept future data packets from the originator (Column 6 lines 1 – 33).

Claims 4 and 14 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches the processor is further programmed to forward an agent to an upstream router, the agent arranged to intercept future data packets from the originator (Column 6 lines 1 – 33 and Column 7 lines 50 – 57).

Claims 5 and 15 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches wherein the processor is further programmed to check for a potential presence of at least one of a worm, a virus, and a Trojan horse (Column 7 lines 31 – 49).

Claims 6 and 16 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches

random sample a subset of data packets; monitor data packets having a predetermined source address; monitor data packets having a predetermined destination address; and monitor data packets having a predetermined combination of source and destination address (Column 7 lines 7 – 19 and Column 8 lines 36 – 57).

Claims 7 and 17 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches determining that a first data packet is suspicious; and in response to determining that the first data packet is suspicious, deciding to decide to monitor future data packets having at least one of a source address and a destination address matching, respectively, the source and the destination address of the first data packet (Column 5 lines 14 – 67).

Claims 8 and 18 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches wherein the processor is further programmed to collaborate with an upstream router to cause the upstream router to update its capabilities to detect a potentially harmful data packet (Column 6 lines 1 – 49).

Claims 6 and 16 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches determining in the router, without using information originated by the destination device, whether the data packet is potentially harmful to the destination device (Column 6 lines 1 – 23).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
May 16, 2006.

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100